



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949-A Cox Road, Glen Allen, Virginia 23060

(804) 527-5020 Fax (804) 527-5106

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Gerard Seeley, Jr.
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION SPECIAL ORDER BY CONSENT ISSUED TO LEE'S MOBIL, INC. VPDES Permit No. VAG404066

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 10.1-1185 and 62.1-44.15(8a) and (8d), between the State Water Control Board and Lee's Mobil, Inc., for the purpose of resolving certain violations of environmental law and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "Lee's Mobil" means Lee's Mobil, Inc., certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means the Lee's Mobil wastewater treatment system located in Ashland, Virginia.
8. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. "Permit" means VPDES Permit No. VAG40 (registration no.4066), which became effective August 1, 2001, and expires August 1, 2006.
10. "O&M" means operations and maintenance.

SECTION C: Findings of Fact and Conclusions of Law

1. Lee's Mobil owns and operates a wastewater treatment facility in Hanover County, Virginia. This Facility is the subject of VPDES Permit No. VAG404066, which allows Lee's Mobil to discharge treated wastewater into an unnamed tributary of Mechumps Creek in strict compliance with terms, limitations and requirements outlined in the Permit.
2. On November 8, 2005, the Department conducted an inspection of the Facility and found an inoperable chlorine solution feed pump and non-detectable chlorine in the contact chamber. In addition, there was a hole between the chlorine contact tank and the clarifier, and there was no dechlorination equipment on site. Lee's Mobil failed to collect and analyze any samples for BOD, TSS, TRC, fecal coliform, pH, and dissolved oxygen, and had failed to provide for a contract operator as required by the permit. The Permit requires Lee's Mobil to meet a fecal coliform effluent limit of 200 colonies/100ml. Samples taken by DEQ indicates the permit limit for fecal coliform was exceeded.
3. On February 2, 2006 the Department issued a notice of violation (NOV) for the above violations.
4. On February 8, 2006, the Department met with Lee's Mobile to discuss the NOV.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders Lee's Mobil, and Lee's Mobil agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders Lee's Mobil, and Lee's Mobil agrees, to pay a civil charge of \$1,000 which shall be made in accordance with the following schedule:

<u>Due Date</u>	<u>Amount</u>
January 15, 2007	\$250.00
April 15, 2007	\$250.00
July 15, 2007	\$250.00
October 15, 2008	\$250.00

The payment shall note that it is being made pursuant to this Order and shall note the Federal Identification Number for Lee's Mobil. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Lee's Mobil, for good cause shown by Lee's Mobil, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Lee's Mobil by DEQ on February 2, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Lee's Mobil admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Lee's Mobil consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Lee's Mobil declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right

to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

6. Failure by Lee's Mobil to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Lee's Mobil shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Lee's Mobil shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Lee's Mobil shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which Lee's Mobil intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

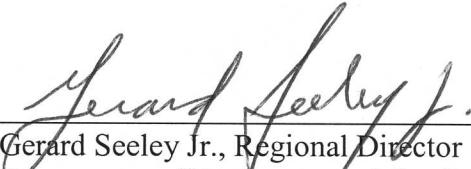
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Lee's Mobil. Notwithstanding the foregoing, Lee's Mobil agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:

- a. Lee's Mobil petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- b. The Director or Board terminates the Order in his or its sole discretion upon 30 days notice to Lee's Mobil.


Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Lee's Mobil from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below, Lee's Mobil voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 12/15, 2006.


Gerard Seeley Jr., Regional Director
Department of Environmental Quality

Lee's Mobil voluntarily agrees to the issuance of this Order.

By: 
Date: 10-23-06

Commonwealth of Virginia

City/County of Henrico

The foregoing document was signed and acknowledged before me this 23rd day of October, 2006, by Stephen Moore, who is
(name)

Owner of Lee's Mobil, on behalf of the Corporation.
(title)

My Commission Expires
January 31, 2010


Notary Public

My commission expires: _____



APPENDIX A

Lee's Mobil shall:

1. On or before October 31, 2006, cease discharging from the wastewater treatment system and begin collecting and transporting (pump and haul) wastewater to a regional wastewater treatment system. Wastewater must be transported by a licensed septage hauler to a Department permitted wastewater treatment facility.
2. Maintain receipts and records of all pump and haul activities and keep them on site for review during Department inspections.
3. On or before February 1, 2007, submit to the Department a letter of agreement between Lee's Mobile Inc. and Hanover County stating that when available you will connect to the County's Regional Wastewater Treatment Plant.
4. On or before October 1, 2008, complete the connection to Hanover County's sewer collection system.

Pursuant to this Order communications regarding this Order, and its requirements shall be addressed as follows:

Frank Lupini
Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060

Lee's Mobil shall confirm, in writing, completion of the Order requirements to the above address **within five (5) days of completion.**